

June 27, 2013 1:23 PM

In the United States District Court
For the Western District of MichiganTRACEY CORDES, CLERK
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY anm / Scanned: AM/1027BRADLEY Keith Sleighter

(Enter above the full names of all plaintiffs, including prisoner number, in this action.)

Kent County Jail Administration
Michigan Department of Corrections
City of Wyoming et al

(Enter above the full name of the defendant or defendants in this action.)

1:13-cv-697

Janet T. Neff

U.S. District Judge

Ellen S. Carmody

U.S. Magistrate Judge

COMPLAINT

I. Previous Lawsuits

CAUTION: The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in this and other federal courts without prepayment of the required \$350 filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$350 filing fee regardless whether your complaint is dismissed.

- A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes ☒ No ☐
- B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.

1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.

U.S. District Court for the Western District of Michigan

2. Is the action still pending? Yes ☒ No ☐

a. If your answer was no, state precisely how the action was resolved: _____

3. Did you appeal the decision? Yes ☐ No ☒ not final

4. Is the appeal still pending? Yes ☐ No ☒

a. If not pending, what was the decision on appeal? no final appeal was filed

5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes ☐ No ☒

If so, explain: See enclosed "Statement of Claim"

II. Place of Present Confinement Kent County Correctional Facility

If the place of present confinement is not the place you were confined when occurrence that is subject of instant lawsuit arose, also list the place you were confined: _____

III. Parties

A. Plaintiff(s)

Place your name in the first blank and your present address in the second blank. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff Bradley Keith Sleighter
 Address 703 Ball Ave. NE, Grand Rapids, MI 49503

B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. If there are more than four defendants, provide the same information for each additional defendant. Attach extra sheets as necessary.

Name of Defendant #1 Kent County Jail Administration
 Position or Title Administrators to Jail
 Place of Employment Kent County
 Address 701 Ball Ave. NE, Grand Rapids, MI 49503
 Official and/or personal capacity? _____

Name of Defendant #2 Michigan Department of Corrections
 Position or Title County Jail Program
 Place of Employment _____
 Address Lansing, Mich
 Official and/or personal capacity? _____

Name of Defendant #3 City of Wyoming
 Position or Title _____
 Place of Employment _____
 Address 2650 Dehoop SW, Wyoming MI 49509
 Official and/or personal capacity? _____

Name of Defendant #4 _____
 Position or Title _____
 Place of Employment _____
 Address _____
 Official and/or personal capacity? _____

Name of Defendant #5 _____
 Position or Title _____
 Place of Employment _____
 Address _____
 Official and/or personal capacity? _____

IV. Statement of Claim

State here, as briefly as possible, the facts of your case. Describe how each defendant is personally involved. Include also, the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets if necessary.

Plaintiff initiated case no. 1:12-cv-1008, 1:12-cv-763 and 1:12-cv-910 against the Kent County Jail Administration between June and November 2012. Plaintiff was released from jail 11-15-2012 and all 3 cases have since evolved and remain unresolved. Plaintiff was reincarcerated in the Kent County Jail 6-3-2013. Plaintiff has since attempted to be involved in his ongoing legal actions against the Defendants but Kent County Jail does not provide its inmate population with a law library adequate to allow Plaintiff to move forward, maintain, argue, appeal and/or participate in any future legal proceedings with any impartiality or giving the Plaintiff the benefit of the same legal resources enjoyed by both Federal prisoners, state prisoners throughout the country and inmates within the Michigan Department of Corrections. These benefits are guaranteed to inmates by prior legislation and are prisoners rights.

Plaintiff claims that all named Defendants hold a varying degree of responsibility in providing him with the legal resources required to effectively and fairly participate in any legal action he may be involved with and this is

(next page)

a violation of his right to access the courts. Through the Defendants failure to make available the appropriate legal resources they are hindering and opposing the Plaintiffs effective litigation against them.

Plaintiff concedes that the Defendants had no way to foresee that he would be involved in ongoing litigation requiring access to Federal law but this does not negate their responsibility to ensure, as a government entity, that the Plaintiffs rights be protected and guaranteed. Defendants failure to provide its inmate population at the KCTJ access to Federal law is suspect, at the least.

I claim that the Defendants have hindered and opposed Plaintiffs right to access the Courts and that their actions and/or lack of actions have denied the plaintiff his rights as a prisoner and his rights granted by prior Federal rulings.

Kent County Correctional Facility further hinders the Plaintiffs access to the Courts because they have no policy or procedure that allows indigent inmates postage to correspond with their attorneys and/or the Courts. Indigent inmates are only allowed 2 stamped envelopes every 56 days. This even denies access to the courts.

Defendants

Plaintiff details Defendants as follows:

Plaintiff lists the City of Wyoming as a Defendant based on the fact that when the Plaintiff was sentenced to 93 days in Kent County Jail both he and his attorney explained to the 62A District Court Judge that Plaintiff was involved in ongoing litigation against the jail and the jail did not provide the resources sufficient to give the Plaintiff access to the Federal Courts and that he would be unable to effectively proceed and/or maintain his cases. Essentially the Plaintiff was asking the Court to continue his bond and delay sentencing until he could file his appeal in the 6th Circuit of Appeals and make whatever other filings he may need to to avoid errors or dismissal of his case due to time limitations. The Judge for the 62A District Court of Michigan informed the Plaintiff and his attorney that the Federal Courts would have to give the Plaintiff extensions on any time limits for filings in the Federal Courts and that Kent County Jail may have to transfer him to

another county jail due to the law suits against Kent County Jail. Plaintiff argues that the City of Wyoming is a Defendant in this case because knowingly and willingly sent the Plaintiff to the KCT with foreknowledge that his civil rights would be violated and that he would in essence not have access to the Federal Courts and that it would hinder and oppose Plaintiff's right to maintain and/or advance his litigation against KCT. Plaintiff concedes that the 62nd District Judge enjoys judicial immunity and that the City of Wyoming may enjoy some immunity as a municipality; it does not enjoy sovereign immunity thus Plaintiff can receive declaratory relief against this named defendant and possible punitive damages against the City of Wyoming if not nominal damages.

Plaintiff also lists the State of Michigan through the Michigan Department of Corrections as a Defendant and claims that the Kent County Correctional Facility operates and is funded by the State of Michigan through the MDOC county jail program.

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Plaintiff claims that the MDOC has⁵
a well established history of complying
with Court orders requiring law
libraries in MDOC prisons, and that
these law libraries be sufficiently
maintained to allow inmates all the legal
resources he/she may require in the
course of incarceration including
FRCP and FRAP as well as Federal
Case law ect., but not limited to.

Plaintiff claims that MDOC's failure
to ensure that KCI does not violate
an inmates right to legal resources
and access to the court make them
subject to declaratory relief in
favor of the Plaintiff.

Plaintiff names Kent County through the
Kent County Jail Administration as
Defendants for their failure to main-
tain an adequate inmate law library
at the KCI and that that they do
not enjoy sovereign immunity as a
municipality and are subject to
punitive damages, nominal damages,
declaratory and/or injunctive actions
by the Federal Courts for the violations
of the Plaintiff's rights.

V. **Relief**

State briefly and precisely what you want the court to do for you.

Plaintiff claims that relief can be realized by the initiation of this complaint in the form of declaratory and/or injunctive, punitive, and nominal damages or any other relief that the law allows and/or requires. Defendants can concede and avoid any further litigation by providing the KCT with a Law library that meets Federal requirements for prisons, in a timely manner.

6-24-2013

Date

Brad Sleighter

Signature of Plaintiff

NOTICE TO PLAINTIFF(S)

The failure of a *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal.